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Filing date: **07/20/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	M3 USA Corporation		
Entity	Corporation	Citizenship	Delaware
Address	501 Office Center Drive, Suite 410 Fort Washington, PA 22313 UNITED STATES		

Attorney information	LindaZirkelbach Venable LLP P.O. Box 34385 Washington, DC 20048 UNITED STATES trademarkdocket@venable.com, lzirkelbach@venable.com, as-priggs@venable.com Phone:202-344-4000
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Registration Subject to Cancellation

Registration No	4738099	Registration date	05/19/2015
Registrant	Manthan Software Services Pvt. Ltd. #40/4 Lavelle Road Bangalore, 560001 INDIA		


Goods/Services Subject to Cancellation

Class 035. First Use: 2013/11/07 First Use In Commerce: 2013/11/07 All goods and services in the class are cancelled, namely: Providing a computer-based networking web site for medical practitioners for promoting the exchange of information and resources within the medical community to achieve advances in the field of healthcare; providing advertising, marketing and promotional services for the pharmaceutical and medical industry; medical personnel recruitment services
Class 042. First Use: 2013/11/07 First Use In Commerce: 2013/11/07 All goods and services in the class are cancelled, namely: Computer services, namely, providing on-line search engines for obtaining medically relevant information on a global computer network
Class 044. First Use: 2013/11/07 First Use In Commerce: 2013/11/07 All goods and services in the class are cancelled, namely: Providing a web site featuring medical information

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	4423435	Application Date	02/08/2010
Registration Date	10/29/2013	Foreign Priority Date	NONE
Word Mark	MDLINX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 Electronic downloadable newsletters and magazines for use by medical professionals in the field of medicine</p> <p>Class 035. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 Promoting the goods and services of others by placing advertisements and promotional displays on an Internet website; Interactive direct online marketing; Collection of and systemization of market research information into computer databases for others</p> <p>Class 044. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 Providing an Internet web site featuring medical information</p>		
Attachments	77930936#TMSN.png(bytes) Petition to Cancel Reg 4738099.pdf(412059 bytes)		

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/linda j. zirkelbach/
Name	LindaZirkelbach
Date	07/20/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

M3 USA Corporation)	
)	
Petitioner,)	
)	
v.)	Cancellation No.
)	Mark: MDTHINK
Manthan Software Services Pvt. Ltd.)	Registration No. 4,738,099
)	
Registrant.)	
)	

Attorney's Reference: 130806-388587

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

PETITION TO CANCEL REGISTRATION NO. 4,738,099

M3 USA Corporation (hereinafter "Petitioner"), a corporation duly organized and existing under the laws of Delaware, and having offices 501 Office Center Drive, Suite 410, Fort Washington, PA 19034, believes that it is and will be damaged by Registration No. 4,738,099 and hereby petitions to cancel the same.

As grounds for this Petition, it is alleged:

1. Petitioner owns US Trademark Registration 4,423,435, for the trademark **MDLINX** in connection with "electronic downloadable newsletters and magazines for use by medical professionals in the field of medicine;" "promoting the goods and services of others by placing advertisements and promotional displays on an Internet website; interactive direct online marketing; collection of and systemization of market research information into computer databases for others;" and "providing an Internet website featuring medical information."

2. Petitioner has used the mark shown in Trademark Registration 4,423,435 in US commerce since at least as early as April 1999.
3. Print-outs from the U.S. Patent and Trademark Office (“USPTO”) database are attached hereto as Exhibit 1.
4. Registrant is the owner of Registration No. 4,738,099 for the mark **MDTHINK** which covers “providing a computer-based networking web site for medical practitioners for promoting the exchange of information and resources within the medical communities to achieve advances in the field of healthcare; providing advertising, marketing and promotional services for promotional services for the pharmaceutical and medical industry; medical personnel recruitment services” in Class 35; “computer services, namely providing online search engines for obtaining medically relevant information on a global computer network” in class 42; and “providing a web site featuring medical information” in Class 44.
5. On information and belief, the mark shown in Registration No. 4,738,099 was not lawfully used in commerce in the U.S. for any of the services listed in said registration prior to February 8, 2010, the earliest filing date asserted herein by Petitioner.
6. On information and belief, the mark shown in Registration No. 4,738,099 was not lawfully used in commerce in the U.S. for any of the services listed in said registration prior to April 1999, the earliest date of first use in U.S. commerce asserted herein by Petitioner.

7. On information and belief, Petitioner used its **MDLINX** mark in US commerce prior to any date of first use that may be relied upon by Registrant for use of its mark for its services in the US.
8. Print-outs from the U.S. Patent and Trademark Office ("USPTO") database are attached hereto as Exhibit 2.
9. Registrant's **MDTHINK** mark and Petitioner's **MDLINX** mark are highly similar in appearance, connotation, and commercial impression.
10. Registrant's services and Petitioner's services are marketed and sold in the same channels of trade. Registrant and Petitioner were recently at the same PBIRG trade show in May 2015 marketing their respective services under their respective marks.
11. On information and belief, Registrant was well aware of Petitioner's **MDLINX** trademark and its services when it adopted its mark. Registrant lists in its application that Registrant began using the **MDTHINK** mark on November 7, 2013. On April 17, 2013, Registrant issued a press release that Registrant appointed one of Petitioner's former employees, who served as a Senior Vice President of Petitioner, as Registrant's new Vice President of Sales.
12. Registrant's use and continued registration of its trademark **MDTHINK** to identify the services listed in Registration No. 4,738,099 is likely to cause confusion and lead to deception as to the source and/or the sponsorship of Registrant's goods and/or Petitioner's goods.
13. Registrant's continued use of the Registered Mark **MDTHINK** is likely to cause confusion among consumers resulting in damage and injury to Petitioner would result. Any defect, objection or fault found with Registrant's services would reflect

upon and seriously injure the reputation and value that Petitioner has established under Petitioner's mark.

WHEREFORE, Petitioner respectfully requests that this Petition be granted and that Registration No. 4,738,099 be cancelled in its entirety.

Authorization is granted to charge the \$900 filing fee to Deposit Account No. 22-0261 and notify the undersigned accordingly.

Petitioner appoints Linda J. Zirkelbach, as well as Mark B. Harrison, Rebecca Liebowitz, Janet F. Satterthwaite, Andrew D. Price, Jeremy M. Klass, Scott M. Oslick, Halle Markus and Steven Powell along with the law firm of Venable LLP, P.O. Box 34385, Washington, D.C. 20043-4385 to transact all business on its behalf in connection with this petition.

Please conduct all correspondence in this matter with the undersigned at the below address.

Date:

July 20, 2015

Respectfully submitted,



Linda J. Zirkelbach
Venable LLP
P.O. Box 34385
Washington, D.C. 20048-9998
Telephone: 202-344-4000
Facsimile: 202-344-8300
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Cancellation was served on this
20th day of July, 2015:


- (1) By U.S. Mail, first class, postage prepaid, on the appointed domestic representative for the

Registrant at the address listed in the current U.S. Trademark Office Records as follows:

Louis J. Levy, Esq.
Belles Katz LLC
12115 Trailridge Dr
Potomac, Maryland 20854; and

- (2) By first class international mail, postage prepaid, on the Registrant at the address listed in the current U.S. Trademark Office Records as follows:

Manthan Software Services Pvt. Ltd. limited company (ltd.)
#40/4 Lavelle Road
Bangalore INDIA 560001



Linda J. Zirkelbach

Exhibit 1

United States of America

United States Patent and Trademark Office

MDLINX

Reg. No. 4,423,435

Registered Oct. 29, 2013

Int. Cls.: 9, 35 and 44

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

M3 USA CORPORATION (DELAWARE CORPORATION)
1215 17TH STREET NW, SUITE 100
WASHINGTON, DC 20036

FOR: ELECTRONIC DOWNLOADABLE NEWSLETTERS AND MAGAZINES FOR USE BY MEDICAL PROFESSIONALS IN THE FIELD OF MEDICINE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-0-1999; IN COMMERCE 4-0-1999.

FOR: PROMOTING THE GOODS AND SERVICES OF OTHERS BY PLACING ADVERTISEMENTS AND PROMOTIONAL DISPLAYS ON AN INTERNET WEBSITE; INTERACTIVE DIRECT ONLINE MARKETING; COLLECTION OF AND SYSTEMIZATION OF MARKET RESEARCH INFORMATION INTO COMPUTER DATABASES FOR OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-0-1999; IN COMMERCE 4-0-1999.

FOR: PROVIDING AN INTERNET WEB SITE FEATURING MEDICAL INFORMATION, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 4-0-1999; IN COMMERCE 4-0-1999.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-930,936, FILED 2-8-2010.

LAURIE MAYES, EXAMINING ATTORNEY



Lisa Staret
Deputy Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Exhibit 2

United States of America

United States Patent and Trademark Office

MDTHINK

Reg. No. 4,738,099

Registered May 19, 2015

Int. Cls.: 35, 42 and 44

SERVICE MARK

PRINCIPAL REGISTER

MANTHAN SOFTWARE SERVICES PVT. LTD. (INDIA LIMITED COMPANY (LTD.))
#40/4 LAVELLE ROAD
BANGALORE, INDIA 560001

FOR: PROVIDING A COMPUTER-BASED NETWORKING WEB SITE FOR MEDICAL PRACTITIONERS FOR PROMOTING THE EXCHANGE OF INFORMATION AND RESOURCES WITHIN THE MEDICAL COMMUNITIES TO ACHIEVE ADVANCES IN THE FIELD OF HEALTHCARE; PROVIDING ADVERTISING, MARKETING AND PROMOTIONAL SERVICES FOR THE PHARMACEUTICAL AND MEDICAL INDUSTRY; MEDICAL PERSONNEL RECRUITMENT SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-7-2013; IN COMMERCE 11-7-2013.

FOR: COMPUTER SERVICES, NAMELY, PROVIDING ONLINE SEARCH ENGINES FOR OBTAINING MEDICALLY RELEVANT INFORMATION ON A GLOBAL COMPUTER NETWORK, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-7-2013; IN COMMERCE 11-7-2013.

FOR: PROVIDING A WEB SITE FEATURING MEDICAL INFORMATION, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 11-7-2013; IN COMMERCE 11-7-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-365,535, FILED 8-13-2014.

KEVIN MITTLER, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

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TRADEMARK REGISTRATION**

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

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The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

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NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.